

REMARKS

Claims 38-57 are pending in this application.

The Office Action dated June 29, 2007 rejected claims 38-40, 42, 44, 47-52, and 54-55 based on 35 U.S.C. § 102(e) as being unpatentable over U.S. Pat. No. 6,872,211 to White et al. ("White"). The Office action rejected claims, 43, 45, 53, and 56 under 35 U.S.C. § 103(a) as unpatentable over White and the remaining claim 41 as unpatentable over White in view of U.S. Pat. No. 5,944,728 to Bates et al. No new matter has been added by this Amendment.

Applicants respectfully traverse the rejection of independent claim 38 based on White. Amended claim 38 requires, among other things, the distal ends of the basket's plurality of wires releasing from each other when a predetermined force applied to the basket is less than a force required to cause one of the plurality of wires or the basket's proximal end to fail. The Office Action relies on col. 12, lines 64-67 of White, which cites Figures 22A and 22B, as a basis for rejecting the claim 38. (Office Action, page 2, paragraph 2). White, however, discloses a guidewire 41 that causes a retrieval assembly 15 to invert. (White, col. 12, ll. 64-67; see also Figs. 22A and 22B). White does not teach or suggest the distal ends of wires releasing from each other upon applied force.

Claims 39-57 depend directly or indirectly from independent claim 38 and are therefore allowable for at least the same reasons stated above. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

In view of the foregoing remarks, Applicants submit that this claimed invention is not unpatentable in view of the prior art cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Leslie I. Bookoff
Reg. No. 38,084

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